

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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DATE FILED: 4-3-12

**DEWEY R. BOZELLA,**

**Plaintiff,**

**v.**

**THE COUNTY OF DUTCHESS and  
WILLIAM J. O'NEILL**

**Defendants.**

**No. 10 Civ. 4917 (CS) (GAY)**

**[PROPOSED] SCHEDULING  
ORDER AND  
DISCOVERY PLAN**

**PROPOSED SCHEDULING ORDER  
AND DISCOVERY PLAN**

**I. ANSWER**

Defendants Dutchess County ("County") and William J. O'Neill (collectively, "Defendants") will file their respective Answers to the Amended Complaint on or before April 9, 2012.

**II. ADDITIONAL PARTIES AND CLAIMS**

The last day for Plaintiff and Defendants (collectively, the "Parties") to add additional parties or claims in the above-captioned action ("Action") shall be May 8, 2012.

**III. DISCOVERY PLAN**

**1. Document Production and Interrogatories:**

a) On or before April 23, 2012, the County shall make an initial production of documents from the Dutchess County District Attorney's files from each of the following 10 cases (the "DA Case Files"), except for those which are sealed and have not been ordered unsealed by the Dutchess County Court by April 23, 2012:

- (i) *People v. West*, Index No. 106/85
- (ii) *People v. Britton*, Index No. 1493/1989
- (iii) *People v. Wood*, Index No. 1654/1979
- (iv) *People v. Belot*, Index No. 1378/1994
- (v) *People v. Mahoney*, Index No. 4788/1996
- (vi) *People v. Taylor*, Index No. 3068/1988
- (vii) *People v. Williams*, Index No. 4681/1993
- (viii) *People v. Samuel Walker*, Index No. 1985-3640
- (ix) *People v. Amos Whitted*, Index No. 1984-5597
- (x) *People v. Brian K. Whittaker*, Index. No. 1981-5680

b) On or before April 23, 2012, the County shall produce to Plaintiff all non-privileged documents as directed by Judge Yanthis at the March 13, 2012 conference responsive to Plaintiffs' Document Request Number 55 directed to the County.

c) On or before April 23, 2012, the County shall produce as directed by Judge Yanthis at the March 13, 2012 conference responsive to Plaintiff a sworn response to Plaintiffs' Interrogatory Number 6 directed to the County.

**2. Fact Depositions:**

a) The deposition of Plaintiff may commence on June 18, 2012. Depositions of all other fact witnesses may commence on June 25, 2012.

b) Each side (Defendants as one side; and Plaintiff as the other side) shall be permitted to take a maximum of twenty (20) fact depositions. Nothing herein shall prevent any Party from seeking leave from the Court to take additional fact depositions.

c) All depositions of fact witnesses shall be completed by October 17, 2012.

3. **Interrogatories:**

a) Each Party shall be limited to a total of 25 written interrogatories consistent with Local Rule 33(a), including all discrete subparts, and inclusive of interrogatories already served, provided, however, that all special interrogatories served pursuant to an Order by Judge Yanthis shall not count towards such limit.

b) The Parties may serve contention interrogatories in addition to those set forth in paragraph 3(a) herein. However, no Party may serve contention interrogatories until after October 17, 2012. The Parties shall meet-and-confer in October 2012 to identify the number of contention interrogatories that shall be permitted for each side.

4. **Electronically-Stored Information:**

a) The Parties have discussed all foreseeable issues relating to the preservation and production of electronically-stored information ("ESI"), including the sources to be searched for ESI and the format and costs of ESI production.

b) The Parties do not have any disputes regarding ESI, but reserve the right to raise any disputes with the Court should any disputes arise in the future.

5. **Expert Reports and Discovery:**

a) Any Party that seeks to submit expert testimony shall identify all such areas to all other Parties on or before October 26, 2012.

b) The Parties shall identify any additional areas with respect to which they seek to submit expert testimony in response to other Parties' designations in paragraph 5(a) above on or before November 13, 2012.

c) Any Party that seeks to submit expert testimony shall serve its expert report(s) on all such areas on or before November 20, 2012.

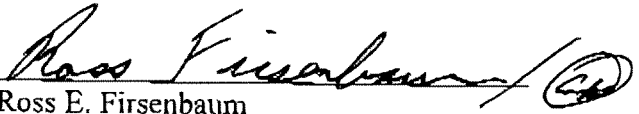
- d) The Parties shall exchange rebuttal expert reports on or before January 14, 2013.
- e) Depositions of experts shall be completed by the Parties on or before February 28, 2013. All discovery shall be completed by this time.

IV. **OTHER MATTERS**

1. **Reservation of Rights:** The Parties to this Proposed Scheduling Order and Discovery Plan expressly reserve all rights to seek relief from the Court regarding all matters, including but not limited to the issues covered herein.

Dated: New York, New York  
March 30, 2012


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March 30, 2012

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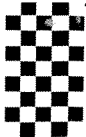
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*Attorneys for Defendants County of  
Dutchess and William J. O'Neill*

DONE and ORDERED this 3<sup>rd</sup> day of April, 2012.

George A. Yanthis

United States Magistrate Judge



WILMERHALE 

FACSIMILE

Date March 30, 2012

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From Ross E. Firsenbaum

Pages (7)

Re **Bozella v. County of Dutchess, et al., No. 10 Civ. 4917 (S.D.N.Y.)**

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